

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105**

February 10, 2012

**California RCRA/C 3011 SFY 2011 End of Year Report  
(Grant ID# D-00936309-5)**

This report evaluates California's complete hazardous waste management program (RCRA/C) and includes a discussion of the grant activities that California formally committed to complete. It evaluates California's hazardous waste management activities and results from July 1, 2010 to June 30, 2011, the third and last year of its three-year cooperative agreement (grant).

California was authorized to implement the RCRA/C program in lieu of USEPA on August 1, 1992. California was authorized to implement a revised RCRA/C program on September 26, 2001.

**I. Compliance Monitoring and Enforcement**

**Highlights**

**a. Inspection Program**

1. Despite the impact of the State of California's ongoing financial issues on DTSC, the Enforcement and Emergency Response Program (EERP) reported completing 366 RCRA and non-RCRA facility inspections. EERP also reporting triaging 834 complaints and completing 114 criminal investigations. Fifty-three RCRA financial responsibility reviews were conducted. Some of these activities cannot be verified since the reporting of these activities is not entered into EPA's RCRAInfo database of record.
2. EERP conducted 72 inspections of electronic waste recyclers and 76 inspections of e-waste collectors. DTSC continues to provide leadership in finding non-compliance in this sector and pursuing appropriate enforcement.
3. EERP devotes considerable resources toward addressing the concerns of communities in environmental justice areas. Based on information provided by the community, Pick-Your-Part in Wilmington and Central Metal in Huntington Park were inspected.

<b>California's Regulated Universe<sup>1</sup></b>						
<b>Active TSD</b>	<b>Inactive TSD</b>	<b>Land-fills</b>	<b>Combustion</b>	<b>LQG</b>	<b>SQG</b>	<b>Transporters</b>
<b>66</b>	<b>176</b>	<b>3</b>	<b>2</b>	<b>4,815<sup>2</sup></b>	<b>48,348<sup>3</sup></b>	<b>959</b>

<sup>1</sup> Per RCRAInfo reports pulled 1/12/12 (except transporter universe from DTSC's HWTS system)

<sup>2</sup> EPA believes the actual number of non-episodic LQGs to be in the range of 1,100 – 1,300; only 1,046 facilities reported generating more than 13.2 tons of hazardous waste/year in the 2009 BRS.

<sup>3</sup> Includes numerous facilities that have not de-activated their ID numbers.

<b>Inspection Accomplishments</b>			
<b>Type of Facility</b>	<b>Commitment</b>	<b>Outcome Reported in EOY</b>	<b>Number Reported in RCRAInfo</b>
<b>Operating TSD</b>	<b>39</b>	<b>47</b>	<b>47</b>
<b>Post-Closure Facilities</b>	<b>7</b>	<b>13</b>	<b>12</b>
<b>Incinerators</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>Generators</b>	<b>16</b>	<b>37</b>	<b>31</b>
<b>Transporter</b>	<b>--</b>	<b>38</b>	<b>51</b>
<b>Other (E-waste, FRRs, etc.)</b>	<b>--</b>	<b>231</b>	<b>94</b>

Note: California's hazardous waste program is both broader and more stringent than the federal program. For example, under California regulations, some facilities are considered TSDs, but under federal regulations, and in RCRAInfo, these facilities would be categorized as waste generators. Additionally, a facility categorized as a small quantity generator in RCRAInfo could be a state-waste-only large quantity generator. Therefore, the individual inspection and enforcement outcomes reported by DTSC are difficult to reconcile with what is reported in RCRAInfo.

4. TSD Inspections. DTSC reported completing 47 compliance evaluation inspections at operating RCRA TSDs. Both facilities with incinerators were inspected. EERP reported 13 inspections of post-closure TSDs; RCRAInfo showed 12 compliance evaluation inspections at post closure facilities. Regardless, the commitment of seven inspections of post-closure TSDs was exceeded.
5. Generators. DTSC reported conducting 37 generator inspections. RCRAInfo shows 31 comprehensive evaluations inspections at LQGs and SQGs, and an additional 75 other types of inspections at LQGs/SQGs. The commitment of 16 has been met and exceeded.
6. Transporters. DTSC reported conducting 38 transporter inspections. Because transporters are often also listed as waste generators, it is difficult to determine the number of these inspections in RCRAInfo. At least 25 inspections in the database appear to be transporter-only inspections.

7. Used Oil. DTSC's Used Oil Team reported conducting inspections at seven used oil transporters, 11 used oil transfer facilities, and three used oil recycling facilities. The Used Oil Team initiated enforcement actions at 30% of the facilities inspected. RCRAInfo does not identify used oil facilities as a separate universe, so EPA cannot distinguish these used oil inspections from generator inspections.
8. Other. DTSC reported a total of 231 inspections, including financial record reviews, non-financial record reviews, follow-up inspections, etc. Only 94 of these inspections are shown in RCRAInfo. This discrepancy may be a result of e-waste, used oil and financial record reviews at facilities not having EPA identification number, so these inspections are not registered into RCRAInfo. All financial assurance reviews be it the 14 reimbursements of expenses associated with facility closure or post closure, as well as 8 mechanism replacement requests and 4 releases from FR requirements cannot be verified by EPA since the data is not entered into RCRAInfo. Of the 72 e-waste recycler inspections, seven resulted in formal enforcement action. None of the 76 e-waste collector inspections resulted in formal enforcement.
9. Complaints. DTSC reported receiving 834 formal complaints, with 494 referred. There are currently 46 of these complaints under investigation by EERP.

**b. Enforcement Program**

EERP reported initiating 10 administrative/civil cases and settling 34 with \$2,109,702 in settlement amounts. It is unclear what portion of these accomplishments has a RCRA component. Some cases reported as non-RCRA are in RCRAInfo; conversely, some of the cases listed as RCRA are missing from RCRAInfo.

<b>Enforcement Actions</b>						
<b>Agency Action</b>	<b>Total Number (RCRA and non-RCRA) Reported</b>	<b>RCRA Cases Reported<sup>1</sup></b>	<b>Number Reported in RCRAInfo</b>	<b>Number<sup>2</sup> Timely (%)</b>	<b>Criteria (days)</b>	<b>Goal (%)</b>
<b>Informal Actions</b>	<b>NA</b>	<b>--</b>	<b>89</b>	<b>84 (94%)</b>	<b>150</b>	<b>80%</b>
<b>Formal Actions Initiated</b>	<b>10</b>	<b>--</b>	<b>11</b>	<b>2 (18%)</b>	<b>240</b>	<b>80%</b>

<b>Enforcement Actions</b>						
<b>Agency Action</b>	<b>Total Number (RCRA and non-RCRA) Reported</b>	<b>RCRA Cases Reported<sup>1</sup></b>	<b>Number Reported in RCRAInfo</b>	<b>Number<sup>2</sup> Timely (%)</b>	<b>Criteria (days)</b>	<b>Goal (%)</b>
<b>Settlements (OF ADM. PENALTY ORDERS)</b>	<b>34</b>	<b>--</b>	<b>19</b>	<b>9 (47%)</b>	<b>360</b>	<b>80%</b>
<b>Enforcement SEPs<sup>3</sup></b>	<b>0</b>	<b>--</b>	<b>0</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>

<sup>1</sup> DTSC reports both RCRA and non-RCRA cases

<sup>2</sup> Number of timely per RCRAInfo data

<sup>3</sup> SEP = Supplemental Environmental Project (includes California Compliance School)

**c. Key Compliance Program Indicators**

<b>Trends of Key Compliance Program Indicators (As Reported in RCRAInfo)</b>			
<b><u>Indicator</u></b>	<b><u>FY 2009</u></b>	<b><u>FY 2010</u></b>	<b><u>FY2011</u></b>
<b>Inspections (CEIs, FUIs, FCIIs)</b>	<b>142</b>	<b>148</b>	<b>156</b>
<b>Operating TSDF Inspections</b>	<b>45</b>	<b>38</b>	<b>47</b>
<b>Inspections w/ Violations</b>	<b>57 (40%)</b>	<b>59 (40%)</b>	<b>76 (49%)</b>
<b>Inspections w/SNC<sup>1</sup></b>	<b>21 (15%)</b>	<b>13 (9%)</b>	<b>25 (16%)</b>
<b>Informal Actions</b>	<b>95</b>	<b>75</b>	<b>89</b>
<b>Timeliness of Settlements</b>	<b>54%</b>	<b>48%</b>	<b>47%</b>
<b>Settlements</b>	<b>28</b>	<b>29</b>	<b>19</b>
<b>Average # of days to settle</b>	<b>600</b>	<b>582</b>	<b>670</b>
<b>Fines and Penalties</b>	<b>\$1,744,547</b>	<b>\$1,183,216</b>	<b>\$1,598,752</b>
<b>SEPs<sup>2</sup></b>	<b>9</b>	<b>6</b>	<b>0</b>
<b>Value of SEPs</b>	<b>\$237,510</b>	<b>\$103,850</b>	<b>\$0</b>

<sup>1</sup> SNC (significant non-complier)

<sup>2</sup> DTSC's definition of Supplemental Environmental Projects differs from EPA's definition, as DTSC may include referrals to the California Compliance School and reimbursement of compliance costs.

DTSC's data indicates that only two of their 11 cases were initiated in less than 240 days. However, almost half (47%) of their cases are settled in less than 360 days. In addition, the average number of days to settle cases reflects the complexity of some of their enforcement case development.

**d. CUPA Program Activities**

1. Oversight of the 83 local government agencies (Certified Unified Program Agencies - CUPAs) that implement the RCRA waste generator compliance program as well as 7 other statutes in California presents a formidable challenge. DTSC needs significant resources to ensure adequate oversight and the continuing development of CUPAs hazardous waste inspection and enforcement program. During SFY11, EERP responded to 58 questions on RCRA and participated in 15 CUPA program evaluations.
2. DTSC provided training and technical assistance on an as-needed and as-requested basis to specific CUPAs. DTSC also provided three hazardous waste generator trainings and one used oil training. In addition, the training provided at the CUPA conference provides invaluable guidance to local government agencies on the hazardous waste program.
3. Imperial County and Trinity County Programs: CalEPA has designated DTSC as the CUPA for Imperial and Trinity Counties. DTSC performed 141 hazardous waste generator inspections in Imperial County and 21 hazardous waste generator inspections in Trinity County. No formal enforcement actions were initiated in either county. None of the inspection information has been entered into RCRAInfo, although DTSC is the designated CUPA for these two counties.

**Issues and Recommendations**

1. **Issue:** EERP's report covers RCRA and non-RCRA work completed during the year. EPA cannot determine with any certainty what is RCRA-related work and what is not RCRA. For example, EERP commits significant resources to environmental justice issues, which EPA strongly supports. However, the format of the DTSC EOY self assessment report makes it difficult to determine what is and is not RCRA compliance work.

**Recommendation:** DTSC should consider developing an End-of Year Report which clearly identifies DTSC's successes in meeting RCRA grant commitments. Other accomplishments involving non-grant commitments and/or accomplishments associated with state-only activities should be discussed separately.

2. **Issue:** The data in RCRAInfo underreports the work and accomplishments of DTSC

reported in the EoY self assessment. For example, of 368 inspections reported by DTSC in their end-of-year report, RCRAInfo includes only 237 inspections. Likewise, it appears that not all of the RCRA enforcement actions reported by DTSC are in RCRAInfo. Because of the differences in the federal versus state program, the numbers DTSC provides are difficult to reconcile with the data in RCRAInfo. Since financial assurance data is not kept in DTSC's Envirostor it is also not updated in EPA's RCRAInfo and therefore DTSC's accomplishments cannot be accurately verified.

**Recommendation:** DTSC should develop quality control procedures that ensure all components of their RCRA inspection and enforcement program are reflected in RCRAInfo data. DTSC should periodically print RCRAInfo reports, and ensure all RCRA accomplishments are being entered. All RCRA accomplishments need to be recorded in RCRAInfo, since this database of record is used for Congressional inquiries, GPRA reporting and tracking of RCRA accomplishments by EPA HQ.

## **II. Permits and Corrective Action**

### **Highlights**

#### **a. Permitting Program**

DTSC's commitment in FY11 was to achieve 7 permitting accomplishments toward their Government Performance and Results Act (GPRA) 2011 permitting goals. DTSC successfully accomplished all 7 (see table below). Beginning in 2009, this permit target was one combined goal that included new permits ("initial controls") and permit renewals ("updated controls"). As a direct benefit of the commitment of DTSC's permitting staff, Region IX successfully attained our cumulative Region 9 GPRA Permit goal of 9. Based on DTSC's performance management, California should readily meet their FY2012 permitting milestones set forth in DTSC's Grant workplan.

EPA commends DTSC for continuing to prepare and provide us with a valuable Multi-Year Strategy that tracks and projects future target accomplishments for GPRA Permit Baseline facilities. Additionally, we'd like to thank DTSC for providing EPA with timely project updates and participating in GPRA status meetings with EPA's Mike Zabaneh throughout the fiscal year. These regular and planned meetings are helpful forums for discussing future milestones and annual target projections, as well as to document project status updates. For federal FY12, EPA requests that California attain seven permit goals. We will continue to work with DTSC to synchronize their targeted baseline facilities with their permit teams, and will closely coordinate and track DTSC's progress toward achieving this goal.

California's 2011 GPRA Permit Accomplishments		
Facility/ID #	Initial Controls (New Permits) Completion Date	Updated Controls (Renewals) Completion Date
1. Air Force Real Property CA2570024453	1/23/09	
2.. Chevron El Segundo CAD008336901		5/17/07
3.. Clean Harbors LA LCC CAD050806850		1/27/2011
4. Ducommun Aerostructures CAD093245645		4/13/10
5. Tesoro Refining - Wilmington CAD041520644	2/15/11	
6. TP Industries CAD097465132	10/7/2010	
7. Veolia Technical Solutions CA008302903		3/31/2011

1. **Permit Program Accomplishments:** Similar to 2009 and 2010, DTSC overcame staff shortages and supported EPA region 9 to meet its GPRA target goal of permit commitments. DTSC's permit staff, technical support staff, and data management staff persevered and maintained their focus on achieving their permit commitment and maintenance activities.

EPA appreciates the high level of coordination between our two permitting programs. Additionally, we value the opportunity to review significant state permits, such as the three major RCRA "C" landfills in California. Reviewing these large permits and others that are in Environmental Justice communities helps ensuring consistency throughout Region 9. Additionally, with new Environmental Justice guidance being developed from our EJ 2014 Initiative, we can support DTSC in exploring and implementing these EJ concepts during permit application reviews.

2. **Permitting Data:** DTSC's Data Team worked hard on cleaning up the Envirostor permitting data and eliminating errors this year. Data quality control activities included correcting Protective Filer/Converter facility data, correcting some of the facilities legal and operating status codes, and adding expiration dates for some facilities' permits. The investment in cleaning up data already has resulted in a more accurate universe count in RCRAInfo database and in the EPA HQ reports.

DTSC also worked hard to synchronize Envirostor database fields with RCRAInfo database fields so that Envirostor uploads are done automatically to RCRAInfo with the press of a button. This resulted in a more seamless data upload first into Pre-Production for testing, and then into Production.

Now that the data bugs have been cleaned up, all future uploads will take less time and effort from the DTSC Data Team. Additionally, we expect that the DTSC Data Team will now conduct uploads independently, without the close coordination and level of investment from EPA's Waste Division GPRA Project Manager that was required in previous years.

b. Corrective Action Program

1. **Corrective Action GPRA Goals:** California has 246 facilities on the GPRA 2020 Corrective Action Baseline for Region 9 listing a total of 317 facilities. In 2011, DTSC's GPRA accumulative percentage goals were: (a) human health exposure under control at 72% of the baseline facilities, (b) migration of contaminated groundwater under control at 64% of the baseline facilities, and (c) remedy constructed at 38% of the baseline facilities. DTSC's numerical goals in 2011 were to achieve human health under control at 10 facilities; groundwater under control at 7 facilities, and remedy constructed at 7 facilities.
2. **Corrective Action Program Accomplishments:** DTSC exceeded annual commitments for the number of facilities for all 3 goals and is close to meeting the percentage GPRA goal as well for 2011/2012. DTSC was able to achieve human exposure under control at 30 facilities; migration of contaminated groundwater under control at 17 facilities, and remedy construction at 21 facilities. These EOY accomplishments increased California's aggregate percentages of human exposure under control to 83%, groundwater contamination migration under control to 63%, and remedy constructed to 37%. DTSC accomplished these milestones largely through the efforts of Frank Dellechaie and all the performance managers and project managers at the four regional DTSC offices. We should also note that EPA extracted these accomplishment numbers directly from RCRAInfo, as DTSC's EOY self-assessment did not include a Corrective Action section to identify such accomplishments.
3. **GPRA Planning:** DTSC completed an evaluation of the GPRA Corrective Action universe in the Sacramento and Berkeley offices. In the previous state fiscal year, they completed similar evaluations of the two Southern California Offices. These evaluations provide managers with a narrative project status, a list of actions necessary to meet the three goals, and projected dates for meeting these goals. This data is crucial for establishing reasonable annual commitments and determining the level of effort necessary to achieve the national 2020 goal of achieving 95% for each of the three goals. Based on the current projection data, DTSC should meet the 2020 goal. Continued evaluation of site progress towards the goals is important and will be increasingly important as we near 2020. We look forward to receiving the updated data resulting from the "triage" evaluations being conducted by Frank Dellechaie.



### **III. Data Management**

#### **Highlights**

##### **RCRA/C Data Requirements:**

DTSC started successful *quarterly* uploads to the CM&E, Permit, and Corrective Action modules in RCRAInfo via CDX in May of 2011 and started doing *monthly* uploads in FY12 (see Permitting section). Because of California's improved process and accuracy of data in Envirostor, DTSC easily met their quarterly grant commitment of providing state data to EPA via RCRAInfo for CM&E, Permits, and Corrective Action. Currently, RCRAInfo uploads are occurring on a monthly basis, rather than quarterly; deadlines are driven by each EPA programs' request, but are generally mid-month.

DTSC still needs to provide a financial assurance module in Envirostor, so CDX uploads also populate data pertaining to cost estimate, financial instrument and bank information for permitted, post-closure and corrective action facilities.

##### **Biennial Reporting:**

There were no deliverables other than occasional updates during FY 2011 for Biennial Reporting (BR). Calendar year 2012 will be a BR reporting year for facilities with Large Quantity Generator (LQG) and TSD status during calendar year 2011.

**Issue:** In previous years, LQG's with California-issued EPA ID's used those same state ID's to submit their federal BR forms (8700-13) for RCRA hazardous waste. This resulted in hundreds of new federal EPA IDs being created during the BR upload for California-issued IDs.

**Recommendation:** Kathryn Faulkner and Shannon Similai discussed the possibility of building a quality check into the BR data entry process so that EPA only accepts data from valid RCRA EPA IDs for the final BR upload. Kathryn and Shannon will follow up with Carolyn Nelson, who will be leading the BR process for California until a replacement can be found.

##### **Other:**

California will be taking over TetraTech's contract to process the state's notifications (issuance of federal RCA IDs for facilities) and acknowledgement letters in early 2012.

### **IV. Mexico Border**

#### **Highlights**

DTSC has met the RCRA grant commitments for US-Mexico Border Program Activities.

DTSC performed environmental inspections at the vehicular border crossings in San Diego and Calexico, provided compliance assistance training in Mexican cities bordering California, and DTSC participated as a co-chair in the Border 2012 Program (Goal 3: Reduce Land Contamination and Goal 6: Improve the Environmental Performance through Compliance, Pollution Prevention, Enforcement, and Stewardship). DTSC also provided input under Border 2020, the new border program.

**a. Program Guidance Coordination and Support**

DTSC's Acting Manager for the Imperial CUPA office, Roger Vintze, served as a co-chair under Border 2012 with support from Alfredo Rios, Manager of DTSC's San Diego office. In the past year, DTSC assisted in the coordination, agenda development, and hosting of the CA Border Environmental Task Force and the CA/Baja Waste & Enforcement Task Force meetings which served as the forum to address topics on border enforcement, compliance, and other activities such as grants being implemented under Border 2012. DTSC also provided input for the development of the new Border 2020 program.

**b. Surveillance and Enforcement**

1. DTSC performed environmental inspections in coordination with US Customs and Border Protection at the Otay Mesa (Monday, Wednesday and Friday) and the Calexico (Friday) north port of entry crossings with support from staff contracted from San Diego County. In total, DTSC reported 3877 truck stops of which 383 were RCRA/non-RCRA stops resulting in eight (8) violations. San Diego County reported 669 truck stops of which 101 were RCRA/non-RCRA stops resulting in no (0) violations. The violations occurred in both the Port of Entrys in Otay Mesa and Calexico East and involved lack of or improper documentation, labeling, disclosure, or containment of California or Federally classified hazardous wastes.
2. DTSC continued to coordinate with Mexican officials to consult on matters related to hazardous wastes such as cathode ray tubes (CRTs) being imported or exported from the US. In one case, DSTC learned that Pacific Steel was exporting waste piles to Mexico for processing, but verified they were being exported with SEMARNAT's approval.

**c. Capacity Building**

DTSC planned and conducted compliance assistance workshops in Mexico, in coordination with PROFEPA and SEMARNAT. The two-day workshops held between October 19 and October 22 in Mexicali and Tijuana, were attended by 90 government and industry representatives. The workshops addressed regulatory and best practices related to hazardous materials management, site contamination and pollution prevention.

**d. Comments/Issues.**

US-Mexican partners plan to sign Border 2020 in late 2012. Under Border 2020, the task forces will provide new opportunities for DTSC leadership in shaping the program,

particularly through the development of Action Plans that are expected to be developed every two years.

Border 2020 will continue to operate through border task forces. There have been technological challenges in holding fully successful video-conferencing based meetings, especially bi-nationally. EPA will continue to address ways to expand participation in meetings through additional modes of communication, both to make use of new communication technologies, as well as, to optimize travel budgets which are expected to be much reduced from past years. DTSC's continued support in this area will be important to leverage program resources.

## **V. Pollution Prevention**

### **Highlights**

- a. **Green Business Program Success and Expansion:** EPA is impressed with the environmental results reported for the CA Green Business Network. DTSC deserves great credit for its support of both program expansion and the measurement system for reporting results. It is notable that a number of cities are considering establishing a program, even given some of the funding challenges experienced by existing programs. We also want to thank DTSC and the participating agencies for entering the results in the national P2 Results database.
- b. **Assistance in Salon Work:** We commend DTSC for its collaboration with EPA and other stakeholders in the work with nail and hair salons. It has been helpful to have access to DTSC's regulatory and technical expertise. We are glad to see that DTSC continues to support local efforts in this sector.
- c. **Green Chemistry:** We understand the difficulties DTSC has encountered in crafting effective regulations to implement the Green Chemistry Initiative. However, the work by DTSC staff and the Green Ribbon Science Panel over the past year revealed a focused, practical, deliberative approach for tackling this complex task. We look forward to greater collaboration as the concepts move into implementation in the coming years.

### **Issue:**

#### **Greater information on results of Border work**

In our EOY report last year, we specifically asked for a reporting of the P2-related results associated with the Border 2012 plan. This year's EOY again provides information on project activities, but little in the way of results. Also, we would be interested in hearing how P2 approaches and strategies are being incorporated into the plans for the New River.

### **Recommendations:**

**Provide results from Summary Report developed by the Cal/EPA Border Program.** DTSC referenced this report in the EOY, and indicated "substantive accomplishments in the areas of climate change, air and water quality." Please provide a summary of those results, and if possible indicate which of them can be attributed to Pollution Prevention.

## **VI. Authorization**

### **Highlights**

California applied for final authorization of revisions to State Hazardous Waste Management Program during this fiscal year. EPA has reviewed California's application and has reached a final determination that the revisions to California's hazardous waste program satisfy all of the requirements necessary to qualify for final authorization.

Revisions California identified related to Corrective Action Management Units, Land Disposal Restrictions Phases 3 and 4 and the Bevill Exclusion.

**No significant issues.**

## **VII. Grant Administration**

### **Highlights**

Personal changes both at EPA and DTSC resulted in new Project Officers assigned to the grants management.

### **Issue:**

The total Federal funds authorized for the grant period from 7/1/2008 until 6/30/2011 totaled \$ 21,859,000. DTSC's expenditures were \$ 20,762,616. This resulted in \$ 1,096,383 of federal funds unobligated. This balance was withdrawn on 10/27/2011 and will no longer be available for expenditure. Continuing failure to fully utilize funding may lead to reductions in future grant funding levels.

### **Recommendation:**

1. Improve oversight of expenditure withdrawals from EPA RCRA grant funds
2. There is a possibility that the de-obligated funds may become available again in the near future. If so, EPA will consider the needs of all EPA Region 9 states and re-award the funding as appropriate. DTSC should submit a new workplan for any proposed uses of the de-obligated funds should they become available.